

**BOARD OF PSYCHOLOGY**

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**BOARD OF PSYCHOLOGY
Quarterly Board Meeting****Open Session Minutes**

**Red Lion Hanalei Hotel
2270 Hotel Circle North
Cove 1 & 2
San Diego, CA 92108
(619) 297-1101**

Friday, August 15, 2003

The open session meeting was called to order by the President, William Lew Tan at 9:00 a.m.
A quorum was present and due notice had been sent to all interested parties.

Members Present:

William Lew Tan, President
Jacqueline Horn, Ph.D., Vice-President
Howard Adelman, Ph.D.
Mary Ellen Early
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Don Chang, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator

Public Present:

Linda Taylor, UCLA
Linda Bortell, Psy.D., LACPA
Charles Faltz, Ph.D., CPA
Karen Oakes, Alliance Intl. University
Patricia Rose, Ph.D., San Diego Psychological Association

Agenda Item #1 – Committee Meetings

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, Consumer Education Committee, and Continuing Education Committee met to discuss and formulate recommendations to the Board. The Committee meetings concluded at 11:00 a.m.

Agenda Item #2 – CONOLLEY, Edward, Ph.D. – Hearing on Petition for Termination of Probation

Administrative Law Judge Vallera Johnson presided. Deputy Attorney General Michael Sipe was present and represented the people of the State of California, and Edward Conolley, Ph.D. was present and represented himself.

Agenda Item #3 – MAHONEY, Richard, Ph.D. – Hearing on Petition for Termination of Probation

Administrative Law Judge Vallera Johnson presided. Deputy Attorney General Michael Sipe was present and represented the people of the State of California, and Richard Mahoney, Ph.D. was present and represented himself.

Agenda Item #4 – SIMON, Gerold Ph.D. – Hearing on Petition for Reinstatement of Revoked License

Administrative Law Judge Vallera Johnson presided. Deputy Attorney General Mia Perez-Argote was present and represented the people of the State of California, and Gerold Simon, Ph.D. was present and represented himself.

Saturday, August 16, 2003

The open session meeting was called to order by the President, William Tan, at 8:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

William Lew Tan, President
Jacqueline Horn, Ph.D., Vice-President
Howard Adelman, Ph.D.
Mary Ellen Early
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Don Chang, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator

Public Present:

Linda Taylor, UCLA
Linda Bortell, Psy.D., LACPA
Charles Faltz, Ph.D., CPA
Allison Parelman, Ph.D., LASCP & Div II CPA
Patricia Rose, Ph.D., San Diego Psychological Association

Agenda Item #7 - Approval of May 9 & 10, 2003 Open Session Minutes

It was M/(Ruff)S(Horn)/C to approve the May 9 & 10, 2003, open session minutes with minor changes.

VOTE: 7 – 0

Agenda Item #8 - President's Report – Mr. Tan

a. Committee Assignments

Mr. Tan appointed Myra Scott Reifman as the chairperson of the Consumer Education Committee and also as a member of the Credentials Committee.

b. Compilation of Board Policies

Mr. Tan informed board members that the policies included in the agenda packets were for their information and to them keep handy for reference when needed.

c. Other President's Informational Items

Mr. Tan announced that Mr. O'Connor was selected as recipient of the Ming Fisher Award by the Association of State and Provincial Psychology Boards. The board congratulated Mr. O'Connor.

Agenda Item #9 - Executive Officer's Report – Mr. O'Connor

a. Budget Update

Mr. O'Connor reported that as a result of the state's current fiscal crisis all state agencies, including the Board of Psychology, have been required to reduce personnel budgets by 12%. Mr. O'Connor indicated that this has been accomplished for the Board of Psychology by eliminating paid overtime, temporary help, and by eliminating one half of a Staff Services Analyst position and 0.3 of a Consumer Assistance Technician position. Mr. O'Connor reported that the board was able to avoid any staff layoffs.

b. General Fund Loan

Mr. O'Connor reported that in a recent executive management committee meeting at the Department of Consumer Affairs, Director Kathleen Hamilton asked that all Executive Officers explain to board members what the general fund loans entail. Mr. O'Connor explained that the Board of Psychology loaned five million dollars to the General Fund that will be paid back with interest. Ms. Hamilton emphasized that the Governor has stated firmly that no board will be allowed to raise fees to compensate for budget shortages. If funds do run low, The Department of Finance will work with the boards to ensure funds are available through loan repayment.

c. ASPPB Annual Meeting: 10/16-9/03; Scottsdale, AZ

Mr. O'Connor reported that he and Mr. Tan will be attending the ASPPB Annual Meeting on October 16 – 19 in Scottsdale AZ. Mr. O'Connor also noted that he and Mr. Tan will attend the Los Angeles County Psychological Association Convention October 4, 2003.

d. Other Executive Officer Informational Items

None.

Agenda Item #10 – Regulation Update

a. Proposed Draft Language – Section 1381. Applications; Title 16, California Code of Regulations

Ms. Bradbury reported that section 1381 of the California Code of Regulations currently includes deadlines for applications to be received by the board. These application deadlines are no longer relevant with the use of year round computer administered examinations. Therefore, through the rulemaking process, section 1381 will be corrected to reflect current practice.

The board approved the draft language as amended and requested staff to move forward with the rulemaking process for a hearing at the November 2003 meeting.

b. CE Exception (Section 1397.62(d))

Ms. Bradbury reported that the “CE Exception” rulemaking file was approved by the Office of Administrative Law and becomes effective August 20, 2003.

c. Waiver of Exam – National Register (Section 1388.6)

Ms. Bradbury reported that the rulemaking file that amended section 1388.6 was approved by the Office of Administrative Law and becomes effective September 6, 2003.

d. CE Requirements (Section 1397.61)

Ms. Bradbury reported that the rulemaking file that amends section 1397.61 is still in review at the Office of Administrative Law.

e. Citation & Fine (Section 1397.51)

Ms. Bradbury reported that the rulemaking file that amends section 1397.51 is awaiting documents from the Department of Finance before submitting to the Office of Administrative Law.

f. Other Regulation Update Informational Items

None.

Agenda Item #11 - Continuing Education Committee Report – (Chairperson – Dr. Adelman)

a. Requests for Exception to Continuing Education Requirements

It was M/Continuing Education Committee/C to deny J.B.M.’s request for an exception as it appears that J.B.M. is involved in the direct delivery of mental health services.

b. Hour Requirement for Spousal/Partner Abuse Training

Dr. Adelman discussed the number of hours that should be required for the spousal/partner abuse training. He also discussed the merits of distance learning and suggested this topic be brought back to the board for further discussion. After a review of the public comment, and the amount of training required by experts in the field and a discussion about the minimum training of a non-expert, as for the spousal/partner abuse training, it was decided to leave the number of hours required to a minimum of one hour.

It was M/(Ruff)/S/(Adelman)/C to leave the minimum of one hour coursework requirement for spousal/ partner abuse training. Staff advised that the license renewal form will be amended to ensure all licensees are in compliance with this requirement.

c. Implementation of SB 564 & SB 953 – Draft Regulations

It was M(Adelman)S/Horn/C to authorize staff to move forward with the regulatory process to amend/adopt the language for pre-licensure training requirements and continuing education training requirements. The board requested the hearing be held at the November 2003 board meeting.

d. Requests for Acceptance of Teaching and/or Practice Experience in Meeting the Spousal/Partner Abuse Training Requirement

It was M/Continuing Education Committee/C to accept A.B.'s request to accept teaching and/or practice experience in meeting the spousal/partner abuse training requirement

Upon review of R.M's request for acceptance of teaching and/or practice experience in meeting the spousal/partner abuse training requirements, it was determined that further information was required for the committee to make a determination. Therefore, R.M. will be asked to provide the necessary documentation, and this request will be reviewed again at the November board meeting.

e. Human Diversity Issues

Mr. O'Connor informed the board that he recently took an interactive ethics training course via the website of the Office of the Attorney General. He stated that having an interactive tutorial on human diversity in this format on our website would be an extremely valuable tool for psychologists. He indicated that he and Mr. Thomas recently met with a representative from the Department's Internet Team who stated that such a concept is feasible; however, due to current deficiencies in resources, such a project could take up to two years to complete. To get the project started, he recommended that a work group be created to establish content areas for such a tutorial. The board directed Mr. O'Connor to move forward with establishing such a work group. In the meantime, he has arranged for experts in this subject matter area to write an article on this topic for the BOP Update and for posting on the website.

f. Distance Learning in Continuing Education (1397.60(g))

It was M/Adelman/S/Horn/C to authorize staff to move forward with the regulatory process for a hearing at the November 2003 meeting to increase the number of hours of continuing education that can be accrued through distance learning. Staff was also directed to make any nonsubstantive changes to the language if needed.

g. Other Continuing Education Update Informational Items

None.

Agenda Item #12 - Credentials Committee Report – (Chairperson – Dr. Horn)

a. Review and Make Recommendations on Plans for Supervised Professional Experience in Psychological Research

A.C. - This plan was withdrawn by the applicant.

b. Review and Make Recommendations on Plans for Alternative Supervision in Non-Direct Mental Health Areas of Practice

J.G. – Plan for supervised professional experience in industrial/organizational psychology and a plan for alternative supervision.

It was M(Credentials Committee)/C to approve J.G.s request to earn hours of supervised professional experience in the area of industrial/organizational psychology and to receive alternative supervision while working at that setting.

c. Draft Language – Supervised Experience

Dr. Horn reported that the draft language for supervised professional experience is still in development and will be moved forward for finalization after the board's assigned Legal Counsel returns from maternity leave in November.

d. Draft Language – Psychological Assistants/Registered Psychologists

Dr. Horn reported that the draft language for psychological assistants/registered psychologists is still in development and will be moved forward for finalization after the board's assigned Legal Counsel returns from maternity leave in November.

e. CA Approved Schools/Regionally Accredited Schools

Dr. Horn reported that at the May 2003 board meeting staff was asked to provide information on approved schools at the August 2003 meeting. Board staff provided a history of the development of approved schools and a summary of AB 400 which sets forth mandates for existing approved schools, and that there can be no new approved schools established. Board staff also provided a list of currently approved schools in California and the degrees (Ph.D., Psy.D., Ed.D.) they offer. Mr. O'Connor informed the board that the Bureau for Private Postsecondary and Vocational Education (BPPVE) has oversight authority of approved schools. Mr. O'Connor recently met with staff at the BPPVE to discuss this authority and oversight to monitor approved schools.

It was M(Ruff)/S(Reifman)/C to request board staff to compile data to show the exam passage rates for accredited and non-accredited schools and provide any related enforcement statistics, if available, and bring this information to the November 2003 meeting.

It was M(Ruff)/S(Reifman)/C to request staff to gather information concerning compliance of the disclosure statement as written in AB 400 and report results to the BPPVE .

f. P.J - Waiver Request for Human Sexuality Course Requirement

It was M(Credentials Committee)/C to deny P.J.'s request for a waiver of the Human Sexuality Course Requirement.

VOTE: 7 – 0

g. Correspondence

The board reviewed correspondence received from the California Psychological Association (CPA) regarding supervision and examinations. The board thanked CPA for the suggestions and advised that the suggestions will be considered as the language is further developed.

h. Other Credentials Informational Items

Applicant H.B. – Request for an Extension of the 30 Consecutive Months to Accrue Post-Doctoral Supervised Professional Experience Pursuant to Regulations Section 1387(a)

The Credentials Committee discussed H.B.s request and, after consulting with legal counsel, determined the applicant completed the required 1500 hours within a substantially compliant time frame.

M(Credentials Committee)/C to approve H.B.s request for an Extension of the 30 Consecutive Months to Accrue Post-Doctoral Supervised Professional Experience.

Agenda Item #13 - Examination Committee Report – (Chairperson – Dr. Ruff)

a. Examination Update – August 8 Meeting with OER

Dr. Ruff reported that he, Dr. Horn and three board staff met with OER to discuss the review of the national practice analysis and further development of the CJPEE. OER reported the anticipated date to receive the practice analysis is September 3. OER will be holding a focus group in late October to discuss the areas of practice and another focus group in December to review/recommend the possibility of expanding the CJPEE to include competency based questions. OER will attend the November board meeting to discuss the findings of the October focus group and any other issues about exam development.

b. Other Examination Informational Items

None

Agenda Item #14 - Enforcement Committee Report – (Chairperson – Ms. Early)

a. Enforcement Statistics

Ms. Early reported that the 2002/2003 fiscal year statistics sheet included new information that reflects the percentage change from the previous fiscal year to the current fiscal year for the "Cases Opened" section and the "Total Decision" section of the enforcement statistics sheet.

b. Expert Reviewer Nominations

Ms. Early reported that two psychologists had applied to become expert reviewers for the Board. P. J. was accepted as an expert reviewer and L. B. will be asked to submit additional documentation to be reviewed at the November 2003 Board Meeting.

It was M(Enforcement Committee)/C to accept P. J. as an expert reviewer.

c. Expert Program Presentation

Ms. Burns briefly outlined the components and purpose of the Expert Program for the Board Members. She explained that experts are selected by the Board through the use of a comprehensive application that includes the requirement that each psychologist indicate their area of expertise, and demonstrate through education, training, and experience, that they possess expert qualifications. Once approved, experts are used both early on in the complaint process to perform initial reviews, and later, after a formal investigation, wherein their final expert opinion regarding the standard of care is needed. Also, the Board uses experts to perform educational reviews in both non-disciplinary matters, and as a result of a probationary order. Experts undergo annual training in order to serve the board. The training is provided at the annual California Psychological Association Convention. Currently, there are approximately 70 psychologists who serve as expert reviewers for the Board.

d. Other Enforcement Informational Items

None.

Agenda Item #15 - Legislation Committee Report – (Chairperson – Dr. Thomas)

a. AB 348 (Chu)

Dr. Thomas reported that AB 348 would allow a psychologist to release a patient from involuntary commitment; a procedure over which only psychiatrists currently have authority. This bill is sponsored by the CPA.

b. AB 746 (Matthews)

Dr. Thomas reported that AB 746 would allow the board, among several other boards, to revoke the license of any licensee who has more than one conviction involving Medi-Cal fraud.

c. AB 938 (Yee)

Dr. Thomas reported that AB 938 would add a \$10 surcharge to the current renewal fee for psychologists, marriage and family therapists, licensed clinical social workers, and psychiatric technicians when renewing their licenses. The respective boards would transfer the \$10 surcharge to the Controller for deposit in the Mental Health Practitioner Education Fund. This bill would establish the Licensed Mental Health Provider Education Program to provide scholarships and loans to those who study to become mental health practitioners and who agree to serve in an eligible publicly funded facility or a health manpower shortage area that is multicultural and linguistically diverse.

d. AB 1669 (Chu)

Dr. Thomas reported that AB 1669 would set standards through the Peace Officer Standards and Training Commission (POST) for those psychologists who perform evaluations of peace officer applicants.

e. SB 25 (Bowen)

Dr. Thomas reported that SB 25, which would prohibit a state agency from publicly posting or displaying an individual's social security number, has been placed on suspense in the Senate Appropriations Committee.

f. Other Legislation Informational Items

None

Agenda Item #16 - Consumer Education Committee Report - (Chairperson – Ms. Reifman)

a. Website Statistics

Ms. Reifman reported the statistics on website hits to the board.

b. Public Disclosure Screens on Website

Ms. Reifman reported that the new public disclosure screens which includes disciplinary actions of licensees is complete and awaiting the DCA to add to the board's website.

c. BOP Update #11

Ms. Reifman reported that the BOP Update #11 is scheduled to be ready in March 2004.

d. Notice to Consumers

Ms. Reifman reported that the Notice to Consumers is a requirement that all psychologists must post in their office pursuant to section 2936 of the Business and Professions Code. This Notice will be in the BOP Update #11 for licensees to remove and post.

e. Other Consumer Education Informational Items

None.

Agenda Item #17 - Public Comment

The open session meeting adjourned at 10:50 a.m.

William Lew Tan
President

Date